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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**
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13 KIRBY SPENCER,

14 Plaintiff,

15 v.

16 ENHANCED RECOVERY COMPANY,
17 LLC,

18 Defendant.

Case No. 2:12-CV-00167-KJD-RJJ

ORDER

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20 Before the Court is Plaintiff Kirby Spencer's Motion to Dismiss with Prejudice (#16). No
21 opposition has been filed.

22 Plaintiff argues that this case should be dismissed with prejudice because the parties have
23 reached a settlement. District of Nevada Local Rule 7-2(d) states, in relevant part: "[t]he failure of
24 an opposing party to file points and authorities in response to any motion shall constitute a consent to
25 the granting of the motion." D. Nev. L.R. 7-2(d). Accordingly, the Court concludes that Defendant
26 consents to dismissal with prejudice.

1 **IT IS HEREBY ORDERED** that Plaintiff Kirby Spencer's Motion to Dismiss with
2 Prejudice (#16) is **GRANTED**.

3 **IT IS FURTHER ORDERED THAT** this action is **DISMISSED** with **PREJUDICE**.

4 DATED this 29th day of August 2012.

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Kent J. Dawson
United States District Judge
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